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Attn: William H. Bollman
Manelli Denison & Selter PLLC
2000 M Street, NW
Suite 700
Washington, DC 20016

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/985,879
Filing Date: November 06, 2001
Appellant(s): NARDONE ET AL.

William H. Bollman
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 04/18/2007 appealing from the Office action mailed 05/30/2006.

1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings, which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

US006000000A Hawkins Filed May 4, 1998
US20010047441A1 Robertson Filed February 22, 2001

“ The Multi-Boot Configuration Handbook” By Roderick Smith, Publisher: Que ISBN: 0-7897-2283-6 – USA- Published 03/29/2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-57 are rejected under 35 U.S.C. 103(a) as being unpatentable by Hawkins et al. US Patent No. 6,000,000 - filed 05/04/1998 (hereinafter Hawkins ‘000), in view of Robertson US20010047441A1- Non-Provisional of Provisional 60/184,344 – filed 02/23/2000 (hereinafter Robertson ‘441), further in view of Smith “ The Multi-Boot

**Configuration Handbook” Publisher: Que ISBN: 0-7897-2283-6 – USA- Published
03/29/2000 (hereinafter Smith).**

Regarding independent claim 1, generating a first graphical user interface, (as taught by Hawkins '000 at col. 3, line 50 through col.4, line 50, also see Fig. 1 discloses an extendible method and apparatus for synchronizing multiple files on two different computers system, includes hand help computer system (item 110), a personal computer system (item 150) and a display representing computer system calendar program (item 115) and a mouse) Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein graphical user interface would have been an obvious variant of a personal computer system (item 150) and a display representing computer system calendar program (item 115) and a mouse) to a person of ordinary skill in the art at the time the invention was made,

selecting a first database and a second database and second database on said first graphical user interface (as taught by Hawkins '000 at col. 3, line 50 through col. 6, line 5, also see Fig.1- Fig.4 discloses an extendible method and apparatus for synchronizing multiple files on two different computers system, includes hand help computer system (item 110), a personal computer system (item 150) and a display representing computer system calendar program (item 115) and a mouse, includes the conduit libraries, wherein the synchronization system of Hawkins '000 is extendible such that it can also reconcile several other databases under control of a single synchronization system that can be started with a single key press),

mapping at least one field of said first database to a corresponding field of said second database in a map file; (Hawkins '000 at col.5, lines 10-40, also Fig. 4, discloses a sync manager library (item 410) the data between several different independent applications with different associated databases which run on the handheld computer system and the personal computer system. The sync manager dynamic link library, and conduit libraries operate to perform the synchronization of handheld applications A-C (items 471-473) with PC Applications A-C (items 481-483) associated with different Databases A-C (items 441-443)) Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein map file and mapping of databases would have been an obvious variant of The sync manager dynamic link library, and conduit libraries operate to perform the synchronization of handheld applications A-C (items 471-473) with PC Applications A-C (items 481-483) associated with different Databases A-C (items 441-443) to a person of ordinary skill in the art at the time the invention was made,

programming a conduit with said map file, (Hawkins '000 at col. 15, lines 1-25, also Fig. 4, discloses the hotsync memory resident program first consults a sync registry that contains a list of conduit libraries that are used to synchronize different applications on the personal computer system and the palmtop computer system) Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein map file would have been an obvious variant of a sync registry that contains a list of conduit libraries that are used to synchronize to a person of ordinary skill in the art at the time the invention was made.

Hawkins '000 does not explicitly teach, **executing said conduit with said map file in response to a synchronization request**, however (Robertson '441 page 4 paragraph [0057] through page 6 paragraph [0070], also see Fig. 6-7 discloses a communication system conduit for transferring data in the communication network, wherein FIG. 7 shows a sample user menu screen which prompts the user to chose the appropriate peripheral device (item 12) for data communication (i.e. data download or upload). As shown, the user may choose a number of options, namely PDA at step (208), laptop at step (210) and a multimedia device at step (212), being either a MPEG/MPG device at step (214), camera at step (216), or video at step (218) (FIG. 7). Once the user has selected the type of device that they wish to conduct the data transfer with, they are presented with another menu (not shown) which instructs them to choose a particular data format (i.e. since some devices have multi-format capabilities) Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein map file in response to a synchronization request would have been an obvious variant of a sample user menu screen which prompts the user to chose the appropriate peripheral device (item 12) for data communication (i.e. data download or upload) to a person of ordinary skill in the art at the time the invention was made.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the teaching of Hawkins '000, generating a first graphical user interface for selecting a first database and a second database for mapping at least one field of said first database to a corresponding field of said second database in a map file and programming a conduit with said map file, further to include

a mean of executing said conduit with said map file in response to a synchronization request of Robertson '441 teaching. One of ordinary skill in the art would have been motivated to perform such a modification to provide user the ability to synchronize a communications system conduit for matching the data between different API that associated with different databases using single synchronization command (as taught by Hawkins at col. 1 line 30 through col. 2, line 61).

Hawkins '000 and Robertson '441 do not explicitly teach, **wherein said conduit provides synchronization rules from said map file for said first database and said second database**, however (Smith at Chapter 19 pages 1-23 and Chapter 17 pages 62-79, also Fig. 19.1- 19.3 discloses the method of using FTP for cross-platform data exchange, wherein the two sides of FTP are client and server, also utilizing telnet (Telecommunication networking) or SSH (Secure Shell), remote GUI (Graphical User Interface) control in the X-Window System, Virtual Network Computing (VNC) program and a method of modifying GUI look and feel for GUI add-ons for Windows, OS/2, BeOS. Further more on page 14 in third paragraph Smith discloses the means of using FTP such as, sending, requesting and /or accepting files between two computers or server/client networking environment. In some sense this is what most networking protocols do: exchange files. Many other protocols also filter and process files in various ways, but in an FTP exchange, the files usually transfer from one computer's hard disk to the other computer's hard disk) Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein a first database and a second database and conduit provides synchronization rules would have been an obvious variant of from

one computer's hard disk to the other computer's hard disk and using FTP such as, sending, requesting and /or accepting files between two computers or server/client networking environment to a person of ordinary skill in the art at the time the invention was made, also (Smith at Chapter 19 pages 1-23 and Chapter 17 pages 62-79, illustrating in Fig. 19.3, an xmFTP witch is one of many GUIFTP clients wherein when connected, most GUI FTP clients present a list of local files in one window or one side of a window (the left pane in Fig. 19.3) and a list of remote files in another window or pane (the right pane in Fig. 19.3) and cross-platform application includes a description of using a text-based FTP client program and transfer a file by clicking the file you want and choosing a transfer menu item or toolbar icon) Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein a conduit and mapping file would have been an obvious variant of telnet with ftp and GUI FTP clients present a list of local files in one window or one side of a window (the left pane in Fig. 19.3) and a list of remote files in another window or pane (the right pane in Fig. 19.3) to a person of ordinary skill in the art at the time the invention was made.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the teaching of Hawkins '000, generating a first graphical user interface for selecting a first database and a second database for mapping at least one field of said first database to a corresponding field of said second database in a map file and programming a conduit with said map file, further to include a mean of executing said conduit with said map file in response to a synchronization request of Robertson '441 teaching, and further to include a means of provides

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synchronization rules from said map file for said first database and said second database in a conduit of Smith's teaching . One of ordinary skill in the art would have been motivated to perform such a modification to provide user the ability to synchronize a communications system conduit for matching the data between different API (Application Interface) that associated with different databases using single synchronization command (as taught by Hawkins at col. 1 line 30 through col. 2, line 61).

Regarding independent claims 12, 19, 30 and 41, incorporate substantially similar subject matter as cited in claim 1 above, and in further view of the following, and is similarly rejected along the same rationale, using the broadest the reasonable interpretation to the claims limitation Examiner read, **configuring a conduit with a graphical user interface to synchronize a first database and a second database, initiating a synchronize requested..., a plurality of mapping files associated with a plurality of databases; a configurable conduit programmed with a graphical user interface to synchronize...** would have been an obvious variant of generating a first graphical user interface, selecting a first database and a second database and second database on said first graphical user interface mapping at least one field of said first database to a corresponding field of said second database in a map file programming a conduit with said map file executing said conduit with said map file in response to a synchronization request wherein said conduit provides synchronization rules from said

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map file for said first database and said second database and further view of the following,

Hawkins '000 at col. 15, lines 1-25, also Fig. 4, discloses the hotsync memory resident program first consults a sync registry that contains a list of conduit libraries that are used to synchronize different applications on the personal computer system and the palmtop computer system) Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein a plurality of map files would have been an obvious variant of a sync registry that contains a list of conduit libraries that are used to synchronize to a person of ordinary skill in the art at the time the invention was made.

Regarding independent claims 46 and 54, incorporate substantially similar subject matter as cited in claim 1 above, and is similarly rejected along the same rationale.

Regarding independent claim 50, incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following, and is similarly rejected along the same rationale. Using the broadest the reasonable interpretation to the claims limitation Examiner read, a selector to select would have been an obvious variant of GUI (Graphical User Interface) to a person of ordinary skill in the art at the time the invention was made.

Regarding claim 2, incorporate substantially similar subject matter as cited in claims 1, 41 and 50 above, and further view of the following, and is similarly rejected along the same rationale,

and importing said other one of said first database and said second database in response to selection of said first database and said second database (as taught by Hawkins '000 at col. 5, lines 25-40, i.e. The sync manager library 410 implements a library of functions that are made available to other programs for synchronizing databases. To communicate with the handheld computer 110 the sync manager library 410 also uses the communication link code such as communication link X code 451 that controls communication link X 411... the sync manager library 410 oversees the synchronization process and uses individual "Conduit" libraries to perform the synchronization of each database...).

Regarding claim 3, incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following, and is similarly rejected along the same rationale,

wherein said one of said first database and said second database is a client application database and an other of said first database and said second database is an enterprise application database, however (Smith at Chapter 19 pages 1-23 and Chapter 17 pages 62-79, also Fig. 19.1- 19.3 discloses the method of using FTP for cross-platform data exchange, wherein the two sides of FTP are client and server).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the teaching of Hawkins '000, generating a first graphical user interface for selecting a first database and a second database for mapping at least one field of said first database to a corresponding field of said second database in a map file and programming a conduit with said map file, further to include a mean of executing said conduit with said map file in response to a synchronization request of Robertson '441 teaching, and further to include a means of provides synchronization rules from said map file for said first database (e.g. client) and said second database (e.g. server) in a conduit of Smith's teaching . One of ordinary skill in the art would have been motivated to perform such a modification to provide user the ability to synchronize a communications system conduit for matching the data between different API (Application Interface) that associated with different databases using single synchronization command (as taught by Hawkins at col. 1 line 30 through col. 2, line 61).

Regarding claim 4, incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following, and is similarly rejected along the same rationale,

generating a second graphical user interface, however (Smith at Chapter 19 pages 1-23 and Chapter 17 pages 62-79, illustrating in Fig. 19.3, an xmFTP witch is one of many GUIFTP clients wherein when connected, most GUI FTP clients present a list of local files in one window or one side of a window (the left pane in Fig. 19.3) and a list

of remote files in another window or pane (the right pane in Fig. 19.3) and cross-platform application includes a description of using a text-based FTP client program and transfer a file by clicking the file you want and choosing a transfer menu item or toolbar icon).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the teaching of Hawkins '000, generating a first graphical user interface for selecting a first database and a second database for mapping at least one field of said first database to a corresponding field of said second database in a map file and programming a conduit with said map file, further to include a mean of executing said conduit with said map file in response to a synchronization request of Robertson '441 teaching, and further to include a means of generating a second graphical user interface and synchronization rules from said map file for said first database (e.g. client) and said second database (e.g. server) in a conduit of Smith's teaching. One of ordinary skill in the art would have been motivated to perform such a modification to provide user the ability to synchronize a communications system conduit for matching the data between different API (Application Interface) that associated with different databases using single synchronization command (as taught by Hawkins at col. 1 line 30 through col. 2, line 61).

Regarding claim 5, incorporate substantially similar subject matter as cited in claims 1-2 and 4 above, and is similarly rejected along the same rationale.

Regarding claim 6, incorporate substantially similar subject matter as cited in claims 1-2, 4 and 5 above, and is similarly rejected along the same rationale.

Regarding claim 7, incorporate substantially similar subject matter as cited in claims 1-2, and 4-6 above, and in further view of the following, and is similarly rejected along the same rationale,

generating a third graphical user interface, however (Smith at Chapter 19 pages 1-23 and Chapter 17 pages 62-79, illustrating in Fig. 19.3, an xmFTP witch is one of many GUIFTP clients wherein when connected, most GUI FTP clients present a list of local files in one window or one side of a window (the left pane in Fig. 19.3) and a list of remote files in another window or pane (the right pane in Fig. 19.3) and cross-platform application includes a description of using a text-based FTP client program and transfer a file by clicking the file you want and choosing a transfer menu item or toolbar icon).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the teaching of Hawkins '000, generating a first graphical user interface for selecting a first database and a second database for mapping at least one field of said first database to a corresponding field of said second database in a map file and programming a conduit with said map file, further to include a mean of executing said conduit with said map file in response to a synchronization request of Robertson '441 teaching, and further to include a means of generating a

third graphical user interface and synchronization rules from said map file for said first database (e.g. client) and said second database (e.g. server) in a conduit of Smith's teaching. One of ordinary skill in the art would have been motivated to perform such a modification to provide user the ability to synchronize a communications system conduit for matching the data between different API (Application Interface) that associated with different databases using single synchronization command (as taught by Hawkins at col. 1 line 30 through col. 2, line 61).

Regarding claim 8, incorporate substantially similar subject matter as cited in claims 1-2, and 4-7 above, and in further view of the following, and is similarly rejected along the same rationale,

deleting said rule from said set of rules, however (Smith at Chapter 19 pages 1-23 and Chapter 17 pages 62-79, illustrating in Fig. 19.1, GUI tools enable and/or disable FTP service by checking appropriate configuration) Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein deleting said rule from said set of rules would have been an obvious variant of disable FTP service by checking appropriate configuration (e.g. Delete radio button) to a person of ordinary skill in the art at the time the invention was made.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the teaching of Hawkins '000, generating a first graphical user interface for selecting a first database and a second database for mapping at least one field of said first database to a corresponding field of said second

database in a map file and programming a conduit with said map file, further to include a mean of executing said conduit with said map file in response to a synchronization request of Robertson '441 teaching, and further to include a means of generating a third graphical user interface and synchronization rules from said map file for said first database (e.g. client) and said second database (e.g. server) in a conduit of Smith's teaching . One of ordinary skill in the art would have been motivated to perform such a modification to provide user the ability to synchronize a communications system conduit for matching the data between different API (Application Interface) that associated with different databases using single synchronization command (as taught by Hawkins at col. 1 line 30 through col. 2, line 61).

Regarding claim 9, incorporate substantially similar subject matter as cited in claims 1-2, and 4-7 above, and is similarly rejected along the same rationale.

Regarding claim 10, incorporate substantially similar subject matter as cited in claims 1-2, and 4-8 above, and is similarly rejected along the same rationale.

Regarding claim 11, incorporate substantially similar subject matter as cited in claims 1-2, and 4-10 above, and in further view of the following, and is similarly rejected along the same rationale,

saving said set of rules as said map file (as taught by Hawkins '000 at col. 11, lines 40-45, Instructs the handheld computer system to locate and retrieve the

information then store it in the passed structure. The calling client Conduit library must allocate enough memory in the general data area to hold the responding information...).

Regarding claim 13, incorporate substantially similar subject matter as cited in claims 1-2 above, and is similarly rejected along the same rationale.

Regarding claim 14, incorporate substantially similar subject matter as cited in claim 2 above, and is similarly rejected along the same rationale.

Regarding claim 15, incorporate substantially similar subject matter as cited in claims 1, 41 and 50 above, and further view of the following, and is similarly rejected along the same rationale,

displaying a plurality of fields of said first database and a plurality of fields of said second database within a display element of said first graphical user interface, however (Smith at Chapter 19 pages 1-23 and Chapter 17 pages 62-79, illustrating in Fig. 19.1 and 19.3, an xmFTP witch is one of many GUIFTP clients wherein when connected, most GUI FTP clients present a list of local files in one window or one side of a window (the left pane in Fig. 19.3) and a list of remote files in another window or pane (the right pane in Fig. 19.3) and cross-platform application includes a description of using a text-based FTP client program and transfer a file by clicking the file you want and choosing a transfer menu item or toolbar icon).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the teaching of Hawkins '000, generating a first graphical user interface for selecting a first database and a second database for mapping at least one field of said first database to a corresponding field of said second database in a map file and programming a conduit with said map file, further to include a mean of executing said conduit with said map file in response to a synchronization request of Robertson '441 teaching, and further to include a means of displaying a plurality of fields of said first database and a plurality of fields of said second database within a display element of said first graphical user interface, and synchronization rules from said map file for said first database (e.g. client) and said second database (e.g. server) in a conduit of Smith's teaching. One of ordinary skill in the art would have been motivated to perform such a modification to provide user the ability to synchronize a communications system conduit for matching the data between different API (Application Interface) that associated with different databases using single synchronization command (as taught by Hawkins at col. 1 line 30 through col. 2, line 61).

Regarding claim 16, incorporate substantially similar subject matter as cited in claim 8 above, and similarly rejected along the same rationale.

Regarding claim 17, incorporate substantially similar subject matter as cited in claims 7, 9, and 10 above, and similarly rejected along the same rationale.

Regarding claim 18, incorporate substantially similar subject matter as cited in claim 11 above, and similarly rejected along the same rationale.

Regarding claim 20, incorporate substantially similar subject matter as cited in claims 1-2, and is similarly rejected along the same rationale.

Regarding claim 21, incorporate substantially similar subject matter as cited in claim 3, and similarly rejected along the same rationale.

Regarding claims 22-29 consecutively, incorporate substantially similar subject matter as cited in claims 4-11 consecutively, and similarly rejected along the same rationale.

Regarding claim 31, incorporate substantially similar subject matter as cited in claims 1-2, and is similarly rejected along the same rationale.

Regarding claim 32, incorporate substantially similar subject matter as cited in claim 3, and similarly rejected along the same rationale.

Regarding claims 33-40 consecutively, incorporate substantially similar subject matter as cited in claims 4-11 consecutively, and similarly rejected along the same rationale.

Regarding claim 42, incorporate substantially similar subject matter as cited in claims 1-2, and is similarly rejected along the same rationale.

Regarding claims 43-44, incorporate substantially similar subject matter as cited in claim 3, and similarly rejected along the same rationale.

Regarding claim 45, incorporate substantially similar subject matter as cited in claims 1, 41 and 50 above, and further view of the following, and similarly rejected along the same rationale,

overwrite of data between a first database and a second database, however (Smith at Chapter 19 pages 1-23 and Chapter 17 pages 62-79, also Fig. 19.1- 19.3 discloses the method of using FTP for cross-platform data exchange. In some sense this is what most networking protocols do: exchange files. Many other protocols also filter and process files in various ways, but in an FTP exchange, the files usually transfer from one computer's hard disk to the other computer's hard disk) Examiner read the above in the broadest reasonable interpretation to the claim limitation, wherein **overwrite of data between a first database and a second database**, would have been an obvious variant of data exchange from one computer's hard disk to the other computer's hard disk to a person of ordinary skill in the art at the time the invention was made.

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the teaching of Hawkins '000, generating a first graphical user interface for selecting a first database and a second database for

mapping at least one field of said first database to a corresponding field of said second database in a map file and programming a conduit with said map file, further to include a mean of executing said conduit with said map file in response to a synchronization request of Robertson '441 teaching, and further to include a means of generating a third graphical user interface and synchronization rules from said map file for said first database (e.g. client) and said second database (e.g. server) in a conduit of Smith's teaching. One of ordinary skill in the art would have been motivated to perform such a modification to provide user the ability to synchronize a communications system conduit for matching the data between different API (Application Interface) that associated with different databases using single synchronization command (as taught by Hawkins at col. 1 line 30 through col. 2, line 61).

Regarding claim 51, incorporate substantially similar subject matter as cited in claim 1 above, and further view of the following, and is similarly rejected along the same rationale. Using the broadest the reasonable interpretation to the claims limitation Examiner read, a mapper to map would have been an obvious variant of GUI (Graphical User Interface) to a person of ordinary skill in the art at the time the invention was made.

Regarding claims 47-49, and 52-53, incorporate substantially similar subject matter as cited in claims 1-3 and 51, and similarly rejected along the same rationale.

Regarding claims 55-57, incorporate substantially similar subject matter as cited in claims 1-3, 50 and 54, and are similarly rejected along the same rationale.

(10) Response to Argument

Brief description of cited prior art:

Hawkins [hereinafter Hawkins] discloses a methodology and apparatus for transferring and synchronizing content between handheld devices and a personal computer, which includes communication link monitor, sync manager, process and reconcile the conduit databases (See Hawkins Figure 4 and Column 4, Line 50 → Column 6, Line 55).

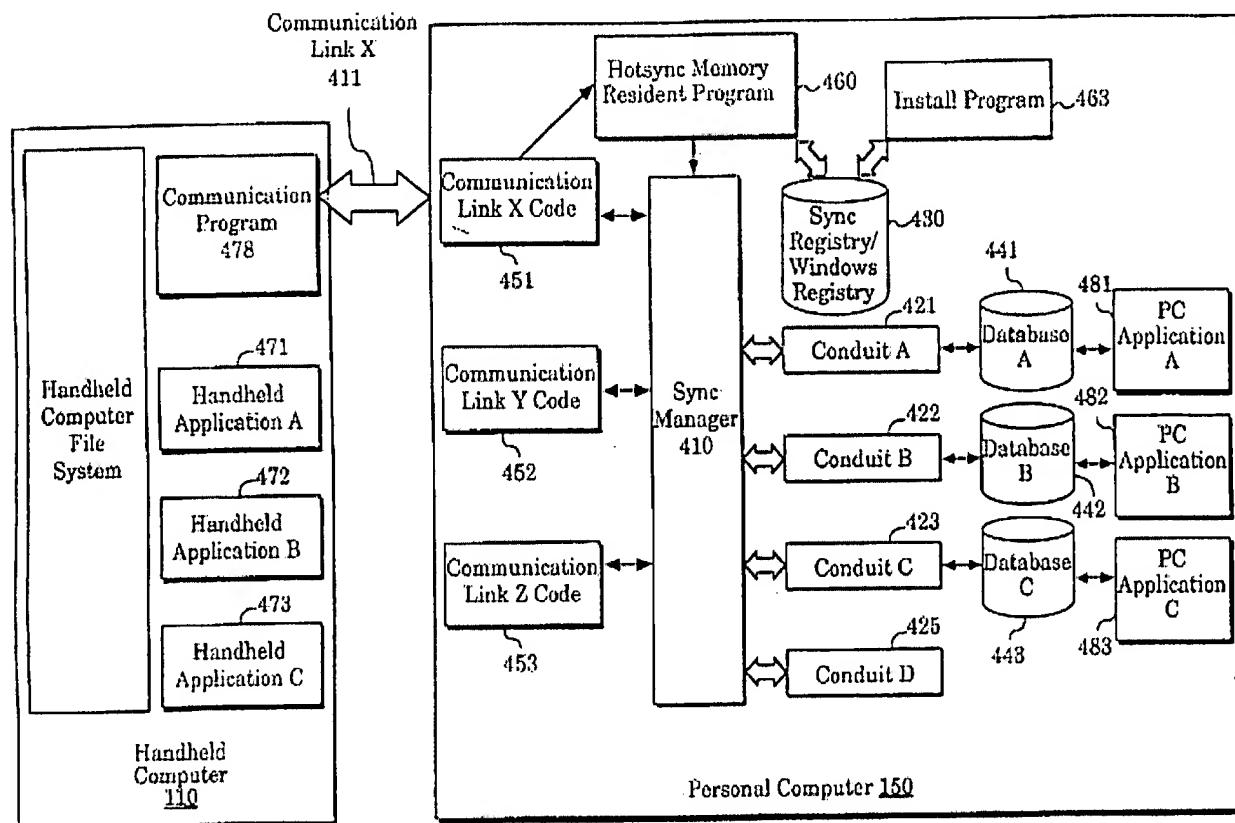


Figure 4

Robertson [hereinafter Robertson] discloses a method and a communication system conduit of multi-platform for downloading and/or uploading to and from a wide variety of end user devices, which includes an interface module, a data conversion module couple to a plurality of access ports (See Robertson Paragraph 2 → Paragraph 11). Also, Robertson shows in Figure 2, conduit item 10 and processing device item 14 are integrated together to form a multi-media Kiosk item 26 interfaces with user (i.e. Graphical User Interface) (See Robertson Figure 2 and Paragraph 33).

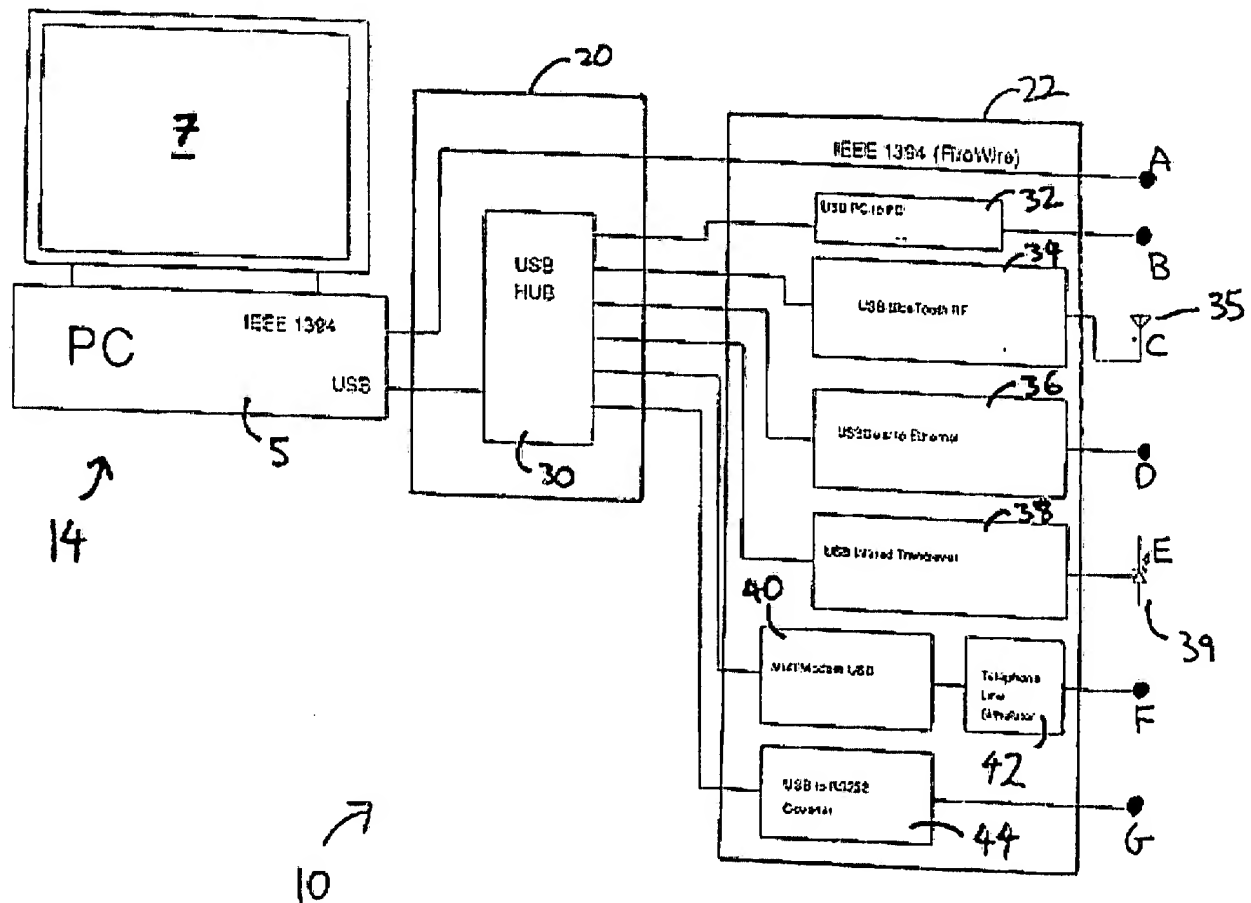
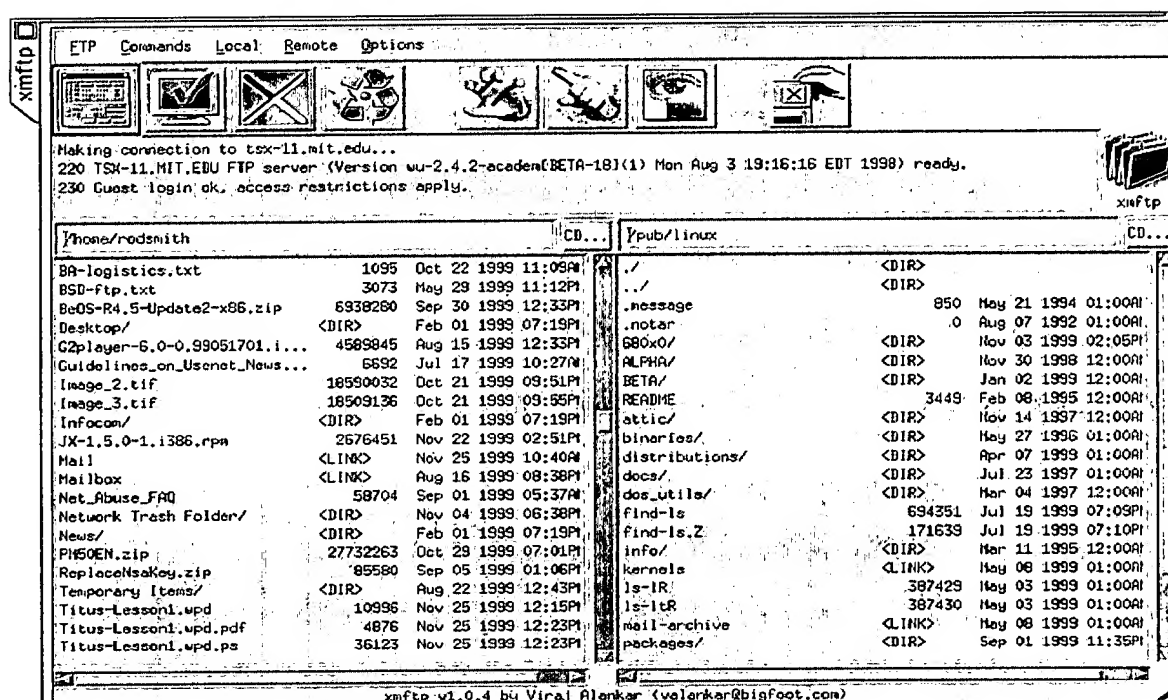


FIG. 2

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Smith [hereinafter Smith] discloses the multi-boot configuration handbook for uses with X Windows System and the Virtual Network Computing (VPN), which includes GUI for uses with File Transfer Protocol (FTP) for Cross-Platform data Exchange (i.e. known as telnet). (Smith at Chapter 19 pages 1-23 and Chapter 17 pages 62-79, also Fig. 19.1-19.3), and on page 14 in third paragraph Smith discloses the means of using FTP such as, sending, requesting and /or accepting files between two computers or server/client networking environment. For example, Smith illustrates in Fig. 19.3, an xmFTP witch is one of many GUIFTP clients wherein when connected, most GUI FTP clients present a list of local files in one window or one side of a window (the left pane in Fig. 19.3) and a list of remote files in another window or pane (the right pane in Figure 19.3). You transfer a file by clicking the file you want and choosing a transfer menu item or toolbar icon.

Figure 19.3. xmFTP is one of many GUI FTP clients.



Beginning on page 4 of the appeal brief (hereinafter the brief), Appellant argues the following issues, which are accordingly addressed below.

Rejection of Claims 1-57 Under 35 U.S.C. § 103(a) over Hawkins, Robertson, and Smith:

Regarding claims 1-57, Appellant argues, the combination of Hawkins, Robertson, and Smith fail to teach the features of "*how to create a conduit*," because Hawkins, Robertson, and Smith do not teach or suggest:

- i) selecting a first database and a second database on a first graphical user interface and programming a conduit with a map file.
 - ii) configuring a conduit with a graphical user interface to synchronize a first database and a second database;
 - iii) select a first database and a second database on a graphical user interface and to generate a conduit based on the selected first database and second database
- See the brief Page 4, second full paragraph through Page 10.

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Firstly: Regarding claims 1-57, Appellant argues, the combination of Hawkins, Robertson, and Smith fail to teach the features of "*how to create a conduit*," because Hawkins, Robertson, and Smith do not teach or suggest:

i) selecting a first database and a second database on a first graphical user interface and programming a conduit with a map file- See the brief Page 4, part of second paragraph through Page 10.

The examiner disagrees.

As discuss in the rejection above, specifically Hawkins discloses, a methodology and apparatus for transferring and synchronizing content between handheld devices and a personal computer, which includes communication link monitor, sync manager, process and reconcile the conduit databases:

communication link monitor: utilizing the hotsync program to monitor the communication link to see if the handheld computer system sent a "wake up" packet that signals a synchronization request. When a "wake up" packet is received, the hotsync memory resident program then begins the full synchronization process. The hotsync memory resident program controls the entire synchronization process, but it uses other libraries of code to perform much of the synchronization, See Hawkins Column 4, Lines 55 → Column 5, Line 10.

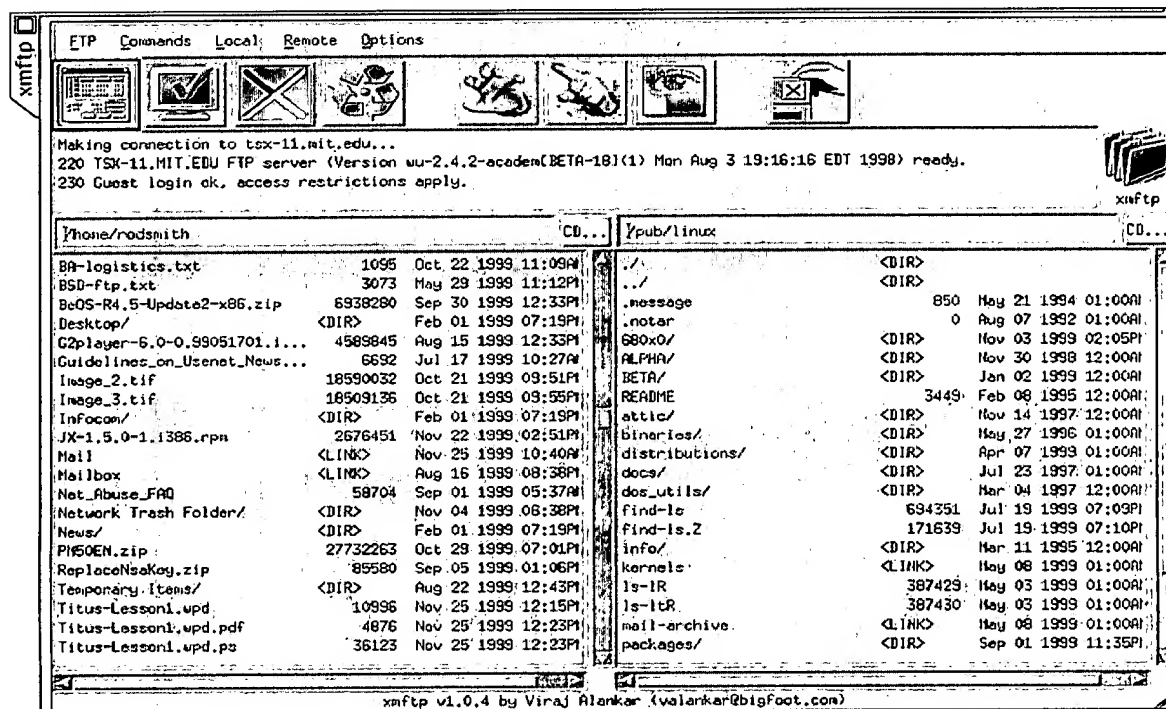
conduit databases: are reconciled with the databases (441, 442, and 443) for PC Application A, B, C (481, 482, and 483) as shows in Figure 4.

sync manager process: illustrate how the hotsync program 460, the sync manager dynamic link library 410, and conduit libraries operate to perform the synchronization, wherein the hotsync program 460 is a small memory resident program that is optionally loaded in when the personal computer is booted and remains in memory. The hotsync program 460 periodically polls the communications link as stated in step 510 of FIG. 5. If at step 515 a wake-up packet has been received on the communications link, then the hotsync program 460 reads the user ID from the wake up packet at step 520 and proceeds to step 525 where it calls the initialization routine SyncInit() in the sync manager dynamic link library 410 to start the synchronization process. The Application Programming Interface (API) information near the end of this document contains a list of functions in the sync manager library 410.) Otherwise the hotsync program 460 continues polling the communication line back at step 510. The hotsync program 460 then consults a synchronization registry 430 for a user ID and a list of conduit libraries, See Hawkins Column 6, Lines 5-40. Thus, Using the broadest reasonably interpretation, the Examiner has found that Hawkins does teach, the claimed *"a first database and a second database and programming a conduit with a map file"*.

In addition, specifically Smith includes GUI for uses with File Transfer Protocol (FTP) for Cross-Platform data Exchange (i.e. known as telnet)- See Smith at Chapter 19 pages 1-23 and Chapter 17 pages 62-79, also Fig. 19.1- 19.3), and on page 14 in third paragraph Smith discloses the means of using FTP such as, sending, requesting and /or accepting files between two computers or server/client networking environment. For example, Smith illustrates in Fig. 19.3, an xmFTP which is one of many GUIFTP clients

wherein when connected, most GUI FTP clients present a list of local files in one window or one side of a window (the left pane in Fig. 19.3) and a list of remote files in another window or pane (the right pane in Figure 19.3). You transfer a file by clicking the file you want and choosing a transfer menu item or toolbar icon.

Figure 19.3. xmFTP is one of many GUI FTP clients.



It is noted, the Appellant discloses, a single conduit may be executed by the sync manager to synchronize the application databases of the client with the corresponding databases on an enterprise server, See Appellant Specification at Paragraph 36 (US 20020055939A1), and the configurable conduit generator module may be configured to provide a point-and-click environment to create the configurable conduit. In particular, a graphical user interface (GUI) may be presented to the user to select the client database and to select the enterprise database - See Appellant the Abstract (US 20020055939A1),

Accordingly, at the time the invention was made, one of ordinary skill in the art could have uses a first database and a second database and programming a conduit with a map file as taught by Hawkins to include a means of selecting a first database and a second database on a first graphical user interface with a map file of Smith, could have yielded predictable result to one of the ordinary skill in the art at the time of the invention. As disclose in Smith the motivation for the combination would allows user (you) transferring a file by clicking the file user (you) want and choosing a transfer menu item or toolbar icon from the GUI FTP clients, that present a list of local files in one window or one side of a window (the left pane in Fig. 19.3)

Therefore, Hawkins, and Smith clearly teach "*selecting a first database and a second database on a first graphical user interface and programming a conduit with a map file*". Thus, Robertson need not teach these limitations to support a proper 103 rejection.

Secondly: Regarding claims 1-57, Appellant argues, the combination of Hawkins, Robertson, and Smith fail to teach the features of "*how to create a conduit,*" because Hawkins, Robertson, and Smith do not teach or suggest:

ii) configuring a conduit with a graphical user interface to synchronize a first database and a second database, See the brief Page 4, second full paragraph through Page 10.

The examiner disagrees.

As discuss in the rejection above, specifically Hawkins discloses, a methodology and apparatus for transferring and synchronizing content between handheld devices and a personal computer, which includes communication link monitor, sync manager, process and reconcile the conduit databases, (See Hawkins Figure 4 and Column 4, Line 50 → Column 6, Line 55).

In addition, The examiner respectfully notes that, as discuss in the rejection above, the Examiner relies on the Smith reference for teaching the feature as such, wherein said conduit provides synchronization rules from said map file for said first database and said second database, (i.e. configuring a conduit with a graphical user interface to synchronize a first database and a second database), (see Smith at Chapter 19 pages 1-23 and Chapter 17 pages 62-79, also Fig. 19.1- 19.3) discloses the multi-boot configuration handbook for uses with X Windows System and the Virtual Network Computing (VPN), which includes GUI for uses with File Transfer Protocol (FTP) for Cross-Platform data Exchange (i.e. known as telnet).

Accordingly, at the time the invention was made, one of ordinary skill in the art could have uses a first database and a second database and programming a conduit with a map file as taught by Hawkins to include a means of configuring a conduit with a graphical user interface to synchronize a first database and a second database of Smith, could have yielded predictable result to one of the ordinary skill in the art at the time of the invention. As disclose in Smith the motivation for the combination would allows user (you) transferring a file by clicking the file user (you) want and choosing a

transfer menu item or toolbar icon from the GUI FTP clients, that present a list of local files in one window or one side of a window (the left pane in Fig. 19.3)

Therefore, Hawkins, and Smith clearly teach, "*configuring a conduit with a graphical user interface to synchronize a first database and a second database*". Thus, Robertson need not teach these limitations to support a proper 103 rejection.

Thirdly: Regarding claims 1-57, Appellant argues, the combination of Hawkins, Robertson, and Smith fail to teach the features of "*how to create a conduit,*" because Hawkins, Robertson, and Smith do not teach or suggest:

iii) to select a first database and a second database on a graphical user interface and to generate a conduit based on the selected first database and second database
See the brief Page 4, second full paragraph through Page 10.

The examiner disagrees.

As discuss in the rejection above, specifically Hawkins discloses, a methodology and apparatus for transferring and synchronizing content between handheld devices and a personal computer, which includes communication link monitor, sync manager, process and reconcile the conduit databases:

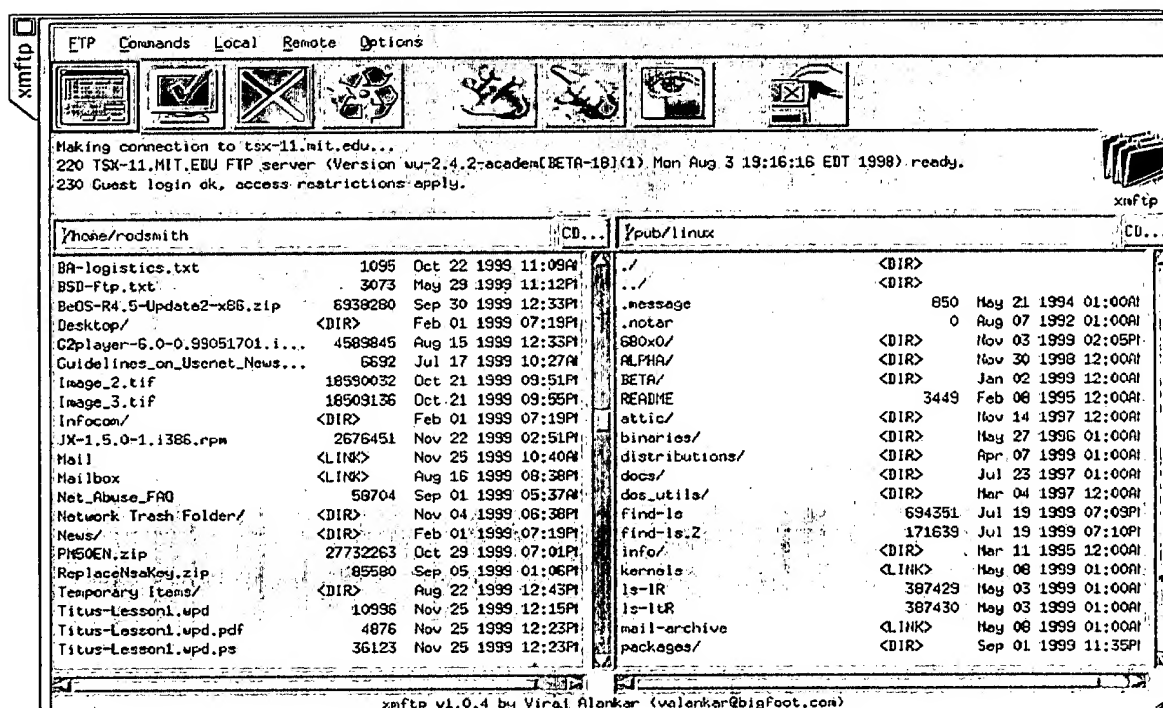
communication link monitor: utilizing the hotsync program to monitor the communication link to see if the handheld computer system sent a "wake up" packet that signals a synchronization request. When a "wake up" packet is received, the hotsync memory resident program then begins the full synchronization process. The

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hotsync memory resident program controls the entire synchronization process, but it uses other libraries of code to perform much of the synchronization, See Hawkins Column 4, Lines 55 → Column 5, Line 10. Also, Hawkins teaches, conduit databases: are reconciled with the databases (441, 442, and 443) for PC Application A, B, C (481, 482, and 483) as shows in Figure 4. Thus, Using the broadest reasonably interpretation, the Examiner has found that Hawkins does teach, the claimed generating a conduit between a first database and a second database.

Hawkins does not teach, the selecting of databases on a graphical user interface and to generate a conduit based on the selected of the databases, but Smith includes GUI for uses with File Transfer Protocol (FTP) for Cross-Platform data Exchange (i.e. known as telnet)- See Smith at Chapter 19 pages 1-23 and Chapter 17 pages 62-79, also Fig. 19.1- 19.3), and on page 14 in third paragraph Smith discloses the means of using FTP such as, sending, requesting and /or accepting files between two computers or server/client networking environment. For example, Smith illustrates in Fig. 19.3, an xmFTP which is one of many GUIFTP clients wherein when connected, most GUI FTP clients present a list of local files in one window or one side of a window (the left pane in Fig. 19.3) and a list of remote files in another window or pane (the right pane in Figure 19.3). You transfer a file by clicking the file you want and choosing a transfer menu item or toolbar icon.

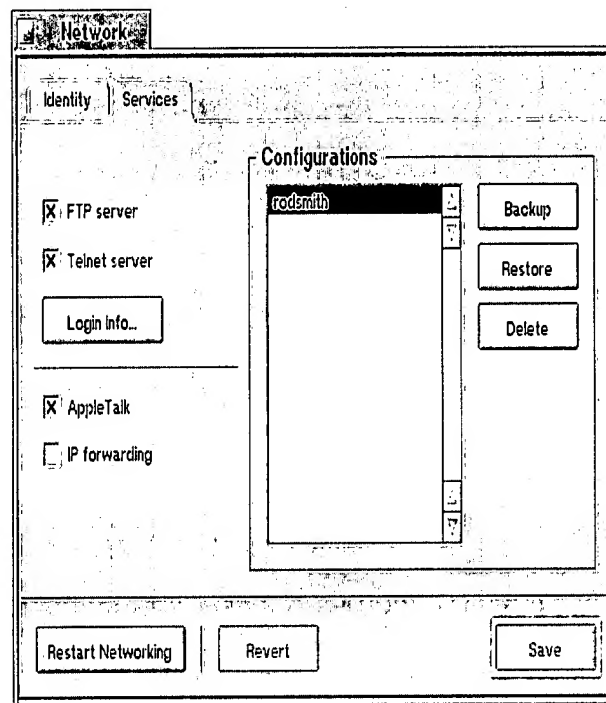
Figure 19.3. xmFTP is one of many GUI FTP clients.



Also, see Smith at Page 13 Bottom → Page 14 first half also see Figure 19.1 on Page 16, discloses “The Two Sides of FTP: Client and Server”, wherein FTP, like other TCP/IP protocols, labels each of the two computers (or, more precisely, programs) involved in a transfer. The program that places a request is known as the client, whereas the program that answers a request is known as a server. In the case of FTP software, you control the client program directly—you tell it to which FTP site you want to connect, you use the client to determine which files to download, and so on. The FTP server, by contrast, runs with little or no human supervision. Not all TCP/IP protocols break down this way in terms of human interaction, however; for example, when you use the X Window System in a networked manner, you sit at a computer on which the server runs and use client programs on a remote computer. The identification of

programs as clients and servers relates to their interactions with each other; the server program provides services that are requested by the client.

Figure 19.1. GUI tools enable you to easily enable or disable FTP services by checking appropriate configuration options.



It is noted, the Appellant discloses, a single conduit may be executed by the sync manager to synchronize the application databases of the client with the corresponding databases on an enterprise server, See Appellant Specification at Paragraph 36 (US 20020055939A1), and the configurable conduit generator module may be configured to provide a point-and-click environment to create the configurable conduit. In particular, a graphical user interface (GUI) may be presented to the user to select the client database and to select the enterprise database - See Appellant the Abstract (US 20020055939A1),

Accordingly, at the time the invention was made, one of ordinary skill in the art could have used a first database and a second database and programming a conduit with a map file as taught by Hawkins to include a means of selecting a first database and a second database on a graphical user interface and to generate a conduit based on the selected first database and second database of Smith, could have yielded predictable result to one of the ordinary skill in the art at the time of the invention. As disclosed in Smith the motivation for the combination would allow user (you) transferring a file by clicking the file user (you) want and choosing a transfer menu item or toolbar icon from the GUI FTP clients, that present a list of local files in one window or one side of a window (the left pane in Fig. 19.3)

Therefore, Hawkins, and Smith clearly teach, *"to select a first database and a second database on a graphical user interface and to generate a conduit based on the selected first database and second database"*. Thus, Robertson need not teach these limitations to support a proper 103 rejection.

Fourthly: Regarding claims 1-57, Appellant argues, the combination of Hawkins, Robertson, and Smith fail to teach the features of *"conduit provides synchronization rules from said map file for said first database and said second database,"* because Smith do not teach or suggest: "said conduit" or "said map", See the brief Page 7, Last paragraph through Page 8 Top.

The examiner disagrees.

As discuss in the rejection above, specifically Hawkins discloses, a methodology and apparatus for transferring and synchronizing content between handheld devices and a personal computer, which includes communication link monitor, sync manager, process and reconcile the conduit databases, See Hawkins Column 4, Lines 55 → Column 5, Line 10. Also, Hawkins teaches, conduit databases: are reconciled with the databases (441, 442, and 443) for PC Application A, B, C (481, 482, and 483) as shows in Figure 4. Thus, Using the broadest reasonably interpretation, the Examiner has found that Hawkins does teach, the claimed generating a conduit between a first database and a second database.

Hawkins does not teach, "*synchronization rules from said map file for said first database and said second database*," but Smith includes GUI for uses with File Transfer Protocol (FTP) for Cross-Platform data Exchange (i.e. known as telnet)- See Smith at Chapter 19 pages 1-23 and Chapter 17 pages 62-79, also Fig. 19.1- 19.3), and on page 14 in third paragraph Smith discloses the means of using FTP such as, sending, requesting and /or accepting files between two computers or server/client networking environment.

Also, It is noted, the Appellant discloses, a single conduit may be executed by the sync manager to synchronize the application databases of the client with the corresponding databases on an enterprise server, See Appellant Specification at Paragraph 36 (US 20020055939A1), and the configurable conduit generator module may be configured to provide a point-and-click environment to create the configurable

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conduit. In particular, a graphical user interface (GUI) may be presented to the user to select the client database and to select the enterprise database - See Appellant the Abstract (US 20020055939A1),

Accordingly, at the time the invention was made, one of ordinary skill in the art could have uses a first database and a second database and programming a conduit with a map file as taught by Hawkins to include a means of provides synchronization rules between two computers or server/client networking environment of Smith, could have yielded predictable result to one of the ordinary skill in the art at the time of the invention. As disclose in Smith the motivation for the combination would allows user (you) transferring a file by clicking the file user (you) want and choosing a transfer menu item or toolbar icon from the GUI FTP clients, that present a list of local files in one window or one side of a window (the left pane in Fig. 19.3)

Therefore, Hawkins, and Smith clearly teach, "*conduit provides synchronization rules from said map file for said first database and said second database*".

Fifthly: Regarding claims 1-57, Appellant argues, the combination of Hawkins, Robertson, and Smith fail to refute the fact that Hawkin's invention was create at the time when graphical user interface existed for other purpose, and also failed to directed toward a one button synchronization between a hand-help computer, i.e. a PDA an personal computer system, See the brief Page 7, Last paragraph through Page 8 Top.

The examiner disagrees.

As discuss in the rejection above, Firstly, Hawkins discloses, a methodology and apparatus for transferring and synchronizing content between handheld devices and a personal computer, which includes communication link monitor, sync manager, process and reconcile the conduit databases, See Hawkins Column 4, Lines 55 → Column 5, Line 10. It would have been obvious to one of ordinary skill in the art to use the GUI with File Transfer Protocol (FTP) for Cross-Platform data Exchange (i.e. known as telnet)- for sending, requesting and /or accepting files between two computers or server/client networking environment using Hawkin's communication link monitor, sync manager, process and reconcile the conduit databases of Hawkins (i.e. conduit database). Using the Smith's FTP and GUI to generate the conduit of Hawkins would have been obvious to one ordinary skill.

Therefore, Hawkins, and Smith clearly support the fact that Hawkin's invention was create at the time when Smith's graphical user interface existed for other purpose, and directed toward a GUI and FTP for synchronization between a hand-help computer, i.e. a PDA an personal computer system, and therefor it is a proper 103 rejection.

Sixthly: Regarding claims 1-11 and 19-40, Appellant argues, the combination of Hawkins, Robertson, and Smith fail to disclose executing a conduit with a map file, and mapping fields between databases, See the brief Page 9, Bottom half through Page 10.

The examiner disagrees.

As discuss in the rejection above, Firstly, Hawkins discloses, a methodology a methodology and apparatus for transferring and synchronizing content between handheld devices and a personal computer, which includes communication link monitor, sync manager, process and reconcile the conduit databases, See Hawkins Column 4, Lines 55 → Column 5, Line 10.

It would have been obvious to one of ordinary skill in the art to use the communication link monitor: utilizing the hotsync program to monitor the communication link to see if the handheld computer system sent a "wake up" packet that signals a synchronization request. When a "wake up" packet is received, the hotsync memory resident program then begins the full synchronization process. The hotsync memory resident program controls the entire synchronization process, but it uses other libraries of code to perform much of the synchronization, See Hawkins Column 4, Lines 55 → Column 5, Line 10. Also uses the conduit databases: are reconciled with the databases (441, 442, and 443) for PC Application A, B, C (481, 482, and 483) as shows in Figure 4. And the sync manager process: illustrate ***how the hotsync program 460, the sync manager dynamic link library 410, and conduit libraries operate to perform the synchronization***, wherein the hotsync program 460 is a small memory resident

program that is optionally loaded in when the personal computer is booted and remains in memory. The hotsync program 460 periodically polls the communications link as stated in step 510 of FIG. 5. If at step 515 a wake-up packet has been received on the communications link, then the hotsync program 460 reads the user ID from the wake up packet at step 520 and proceeds to step 525 where it calls the initialization routine SyncInit() in the sync manager dynamic link library 410 to start the synchronization process. The Application Programming Interface (API) information near the end of this document contains a list of functions in the sync manager library 410.) Otherwise the hotsync program 460 continues polling the communication line back at step 510. The hotsync program 460 then consults a synchronization registry 430 for a user ID and a list of conduit libraries, See Hawkins Column 6, Lines 5-40.

Using the broadest reasonably interpretation, the Examiner has found that Hawkins does not expressly teach, mapping fields between databases. However (See Smith at Page 13 Bottom → Page 14 first half also see Figure 19.1 on Page 16, discloses “The Two Sides of FTP: Client and Server”, wherein FTP, like other TCP/IP protocols, labels each of the two computers (or, more precisely, programs) involved in a transfer. The program that places a request is known as the client, whereas the program that answers a request is known as a server. In the case of FTP software, you control the client program directly—you tell it to which FTP site you want to connect, you use the client to determine which files to download, and so on. The FTP server, by contrast, runs with little or no human supervision. Not all TCP/IP protocols break down this way in terms of human interaction, however; for example, when you use the X

Window System in a networked manner, you sit at a computer on which the server runs and use client programs on a remote computer. The identification of programs as clients and servers relates to their interactions with each other; the server program provides services that are requested by the client.

Therefore, Hawkins, and Smith clearly teach, executing a conduit with a map file, and mapping fields between databases.

Seventhly: Regarding claims 1-57, Appellant argues, the combination of Hawkins, Robertson, and Smith fail to render the obviousness under 35 U.S.C. 103 (a), See the brief Page 10 Last Paragraph.

The examiner disagrees.

Following KSR direction as following: "SUPREME COURT OF THE UNITED STATES No. 04-1350 KSR INTERNATIONAL CO., PETITIONER v. TELEFLEX INC. ET AL. ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT [April 30, 2007], (page 2-3 of the court opinion) Following Graham v. John Deere Co. of Kansas City, 383 U. S. 1 (1966), the Court set out a framework for applying the statutory language of §103, language itself based on the logic of the earlier decision in Hotchkiss v. Greenwood, 11 How. 248 (1851), and its progeny. See 383 U. S., at 15-17. The analysis is objective:

"Under §103, the scope and content of the prior art are to be determined; differences between the prior art and the claims at issue are to be ascertained; and the level of ordinary skill in the pertinent art resolved. Against this background the obviousness or nonobviousness of the subject matter is determined. Such secondary considerations as commercial success, long felt but unsolved needs,

failure of others, etc., might be utilized to give light to the circumstances surrounding the origin of the subject matter sought to be patented.” Id., at 17–18.

While the sequence of these questions might be reordered in any particular case, the factors continue to define the inquiry that controls. If a court, or patent examiner, conducts this analysis and concludes the claimed subject matter was obvious, the claim is invalid under §103. Seeking to resolve the question of obviousness with more uniformity and consistency, the Court of Appeals for the Federal Circuit has employed an approach referred to by the parties as the “teaching, suggestion, or motivation” test (TSM test), under which a patent claim is only proved obvious if “some motivation or suggestion to combine the prior art teachings” can be found in the prior art, the nature of the problem, or the knowledge of a person having ordinary skill in the art. See, e.g., *Al-Site Corp. v. VSI Int’l, Inc.*, 174 F. 3d 1308, 1323–1324 (CA Fed. 1999). KSR challenges that test, or at least its application in this case. See 119 Fed. Appx. 282, 286–290 (CA Fed. 2005). Because the Court of Appeals addressed the question of obviousness in a manner contrary to §103 and our precedents, we granted certiorari, 547 U. S. ____ (2006). We now reverse.

Using the broadest reasonable interpretation, and cites evidences above, the Examiner had found that Hawkins in view of Smith have taught all the limitation of the claimed invention, thus Robertson need not teach these limitations to support a proper 103 rejection.

In addition, As discuss in the (10) Response to Argument cites above, thus the examiner has established “some motivation or suggestion to combine the prior art teachings” can be found in the prior art, the nature of the problem, or the knowledge of a person having ordinary skill in the art. See, e.g., *Al-Site Corp. v. VSI Int’l, Inc.*, 174 F. 3d 1308, 1323–1324 (CA Fed. 1999). KSR challenges that test, or at least its application in this case. See 119 Fed. Appx. 282, 286–290 (CA Fed. 2005).

Therefore the Examiner respectfully maintains the rejection of claims 1-57 and should be sustained.

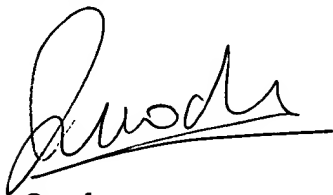
(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Quoc A. Tran

 8/3/2007

Conferees:

Doug Hutton (SPE)

/Doug Hutton/
Supervisory Primary Examiner
Art Unit 2176

William L. Bashore

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER


Stephen S. Hong (SPE)

STEPHEN HONG
SUPERVISORY PATENT EXAMINER